

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARK A. FREGIA,

Plaintiff,

v.

YUCUI CHEN, et al.,

Defendants.

Case No. 1:20-cv-01024-ADA-EPG (PC)

ORDER GRANTING EX PARTE MOTION
FOR EXTENSION OF TIME TO FILE SUR-
REPLY TO PLAINTIFF'S MOTION FOR
AN ORDER UNDER THE ALL WRITS
ACT

(ECF No. 78)

On February 1, 2023, defense counsel filed an *ex parte* motion for “a thirty-day extension of time to file a sur-reply to Plaintiff’s Motion for an Order Under the All Writs Act, up to and including March 6, 2023.” (ECF No. 78, p. 1). According to defense counsel, Plaintiff’s reply is approximately 79 pages, includes new allegations, and “identifies new property allegedly wrongfully confiscated by prison staff.” (*Id.* at 1-2). “[D]ue to pre-determined deadlines and Plaintiff’s extensive reply, defense counsel will require additional time to conduct a reasonable inquiry, and file a sur-reply on behalf of the Warden.” (*Id.* at 3).

The Court finds good cause to grant the motion.

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1 Accordingly, IT IS HEREBY ORDERED that the Warden has until March 6, 2023, to file a
2 sur-reply to Plaintiff's Motion for an Order Under the All Writs Act.

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4 IT IS SO ORDERED.

5 Dated: **February 2, 2023**

/s/ Eric P. Grogan
6 UNITED STATES MAGISTRATE JUDGE